

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEITH COFFIN, on behalf of himself and
others similarly situated,

Plaintiffs,

V.

BLESSEY MARINE SERVICES, INC.,

Defendant.

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CIVIL ACTION NO. 4:11-cv-00214

ORDER

Pending before the Court is Plaintiffs' Emergency Motion for an Injunction, to Issue a Corrective Notice, and for Sanctions ("Plaintiffs' Motion") and the Advisory to the Court by Blessey Marine Services, Inc. [Doc. # 62]. After considering the pleadings and conducting a hearing on August 23, 2011, the Court finds that Plaintiffs' motion [Doc. # 59] should be **GRANTED IN PART** and **DENIED IN PART** and that the Court Orders the following:

I. Corrective Notice

1. It is **ORDERED** that a Corrective Notice in the form attached to this Order shall be issued in this case on September 1, 2011.

2. It is further **ORDERED** that Blessey Marine shall provide Plaintiffs the accurate residential addresses for all Tankermen currently employed on or before August 29, 2011. The statute of limitations for the claims of those Tankermen whose address was incorrect in the list provided to Plaintiffs previously shall be tolled from August 11, 2011 to September 1, 2011.

3. It is further **ORDERED** that the Corrective Notice shall be sent to all potential opt-in class members in this case who were sent Blessey Marine's August 9, 2011, letter (the

“Current Tankermen”). Plaintiffs’ counsel shall send the Corrective Notices on September 1, 2011 as follows:

a. Each Current Tankerman will receive one envelope from Plaintiffs’ counsel, which will have the following on the outside of the envelope: (1) Plaintiffs’ counsel’s return address, (2) the Tankerman’s address, and (3) the following legend: “Notice Regarding FLSA Overtime Lawsuit.”

b. Each envelope sent to the Current Tankermen shall contain: (1) the Original Notice (with a handwritten strike-through of the date September 23 for October 14), (2) the Corrective Notice, (3) the Notice of Consent attached to this Order, and (4) a self-addressed, return envelope. Plaintiff’s counsel may elect to omit the Original Notice from the envelopes of Tankermen that have not already received it.

4. It is further **ORDERED** that the Corrective Notice shall be posted on each of Blessey Marine’s towboats from September 1 to October 14, 2011, in a common area of the vessel regularly used by Tankermen. Blessey Marine shall file an Advisory with the Court on or before September 9, 2011, noting its compliance with this paragraph of the Order.

5. It is further **ORDERED** that the Current Tankermen shall be permitted to opt-in to this lawsuit until and through October 14, 2011.

6. It is further **ORDERED** that Blessey Marine pay to Oberti Sullivan LLP \$250.00, for the cost of the Corrective Notice.

II. Communications with Putative Class Members

7. It is further **ORDERED** that, pursuant to the agreement of the parties, during the opt-in period, both parties’ counsel are restricted from initiating *ex parte* communications except

by letter with putative class members regarding this case. Communications that occur as a consequence of the Original or Corrective Notice are permitted. Aside from the Plaintiffs' proposed letter of August 24, 2011, [Doc. #66], the Plaintiffs agree that no further written communication will be sent to the former employees during the opt-in period. Any other written communication that either party's counsel proposes to send must first be sent to the opposing party's counsel and the opposing party be given two business days to file objections with the Court.


8. It is further **ORDERED** Blessey Marine shall produce to Plaintiffs' counsel the last known phone numbers of current and former Tankermen upon the expiration of the opt-in period on October 14, 2011, but under no circumstances later than by October 24, 2011.

III. Status Conference

9. It is further **ORDERED** that the pretrial conference currently scheduled for October 3, 2011, is RESET until November 7, 2011, at 10:00 a.m.

All relief not expressly granted herein is **DENIED**.

SIGNED at Houston, Texas, this ^{8th} day of August, 2011.



Nancy F. Atlas
United States District Judge